

### **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed November 14, 2007 rejected claims 1-20. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-20 are pending. More specifically, claims 6 and 16 are amended, and no new matter is added to the present application by these amendments. These amendments are specifically described hereinafter.

#### **I. Present Status of Patent Application**

Claims 16-20 are objected to because of alleged informalities. Claims 1, 6, 11, and 16 are objected to because of alleged informalities. Claims 1-3, 5-8, 10-13, 15-18, and 20 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444). These rejections are respectfully traversed.

#### **II. Claim Objections**

Claims 16-20 are objected to because of alleged informalities. In an effort to address the Examiner's concerns, claim 16 has been amended to recite "receiving a second frame at said apparatus via said local area network." In view of this amendment, Applicant respectfully submits that the objections to claims 16-20 should be withdrawn.

III. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-3 and 5

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1** recites:

1. A method comprising:  
receiving a first frame from a station in a local area network, wherein said first frame uses a first address as a medium access control address for said station in said local area network;  
assigning an association identifier to said station;  
transmitting a second frame to said station via said local area network, wherein said second frame comprises said association identifier and uses said first address as the medium access control address for said station in said local area network; and  
***receiving a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network;***  
***wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier.***

(Emphasis added).

Applicant respectfully submits that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de*

*Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least **receiving a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier**. Even if, assuming for the sake of argument, *Donaghey* discloses using a second address, *Donaghey* fails to disclose wherein the second address is a combination of a portion of the first address and at least a portion of the association identifier. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2, 3, and 5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2, 3, and 5 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000);

*Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2, 3, and 5 are patentable over *Donaghey*, the rejection of claims 2, 3, and 5 should be withdrawn and the claims allowed.

B. Claims 6-8 and 10

The Office Action rejects claims 6-8 and 10 under 35 U.S.C. §102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 6**, as amended, recites:

6. A method comprising:  
transmitting a first frame from a station in a local area network, wherein said first frame uses a first address as a medium access control address for said station in said local area network;  
receiving a second frame at said station via said local area network, wherein said second frame comprises an association identifier assigned to the station and uses said first address as the medium control access address for said station in said local area network;  
***transmitting a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network;***  
***wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier.***

(Emphasis added).

Applicant respectfully submits that claim 6 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 6 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least **transmitting a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier**. Even if, assuming for the sake of argument, *Donaghey* discloses using a second address, *Donaghey* fails to disclose wherein the second address is a combination of a portion of the first address and at least a portion of an association identifier. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 6, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 6 is allowable over the cited references of record, dependent claims 7, 8, and 10 (which depend from independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7, 8, and 10 contain all the features of independent claim 6. Therefore, since dependent claims 7, 8, and 10 are patentable over *Donaghey*, the rejection of claims 7, 8, and 10 should be withdrawn and the claims allowed.

C. Claims 11-13 and 15

The Office Action rejects claims 11-13 and 15 under 35 U.S.C. §102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 11** recites:

11. An apparatus comprising:
- (1) a receiver for:
    - (i) receiving a first frame from a station in a local area network, wherein said first frame uses a first address as a medium access control address for said station in said local area network, and
    - (ii) receiving a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network;
  - (2) a processor for assigning an association identifier to said station; and
  - (3) ***a transmitter for:***  
***transmitting a second frame to said station via said local area network, wherein said second frame comprises said association identifier and uses said first address as the medium access control address for said station in said local area network;***  
***wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier.***

(Emphasis added).

Applicant respectfully submits that claim 11 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 11 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least ***a transmitter***

**for: transmitting a second frame to said station via said local area network, wherein said second frame comprises said association identifier and uses said first address as the medium access control address for said station in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier.** Even if, assuming for the sake of argument, *Donaghey* discloses using a second address, *Donaghey* fails to disclose wherein the second address is a combination of a portion of the first address and at least a portion of an association identifier. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 11, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 11 is allowable over the cited references of record, dependent claims 12, 13, and 15 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that dependent claims 12, 13, and 15 contain all the features of independent claim 11. Therefore, since dependent claims 12, 13, and 15 are patentable over *Donaghey*, the rejection of claims 12, 13, and 15 should be withdrawn and the claims allowed.

D. Claims 16-18 and 20

The Office Action rejects claims 16-18 and 20 under 35 U.S.C. §102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 16**, as amended, recites:

16. An apparatus comprising:
- (1) a transmitter for:
    - (i) transmitting a first frame from the apparatus in a local area network, wherein said first frame uses a first address as a medium access control address for said apparatus in said local area network, and
    - (ii) transmitting a third frame from said apparatus via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said apparatus in said local area network; and
  - (2) **a receiver for:**  
*receiving a second frame at said via apparatus said local area network, wherein said second frame comprises an association identifier assigned to the apparatus and uses said first address as the medium control access address for said apparatus in said local area network;*  
***wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier.***

(Emphasis added).

Applicant respectfully submits that claim 16 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 16 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least **a receiver for:**



receiving a second frame at said via apparatus said local area network, wherein said second frame comprises an association identifier assigned to the apparatus and uses said first address as the medium control access address for said apparatus in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier. Even if, assuming for the sake of argument, *Donaghey* discloses using a second address, *Donaghey* fails to disclose a receiver for: receiving a second frame at said via apparatus said local area network, wherein said second frame comprises an association identifier assigned to the apparatus and uses said first address as the medium control access address for said apparatus in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 16, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 16 is allowable over the cited references of record, dependent claims 17, 18, and 20 (which depend from independent claim 16) are allowable as a matter of law for at least the reason that dependent claims 17, 18, and 20 contain all the features of independent claim 16. Therefore, since

dependent claims 17, 18, and 20 are patentable over *Donaghey*, the rejection of claims 17, 18, and 20 should be withdrawn and the claims allowed.

**IV. Rejections Under 35 U.S.C. §103(a)**

A. Claim 4

The Office Action rejects claims 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claim 4 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 4 contains all the features of independent claim 1. Therefore, the rejection of claim 4 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 4, *Cannon* does not make up for the deficiencies of *Donaghey* noted above. Therefore, claim 4 is considered patentable over any combination of these documents for at least the reason that claim 4 incorporates allowable features of claim 1 as set forth above.

B. Claim 9

The Office Action rejects claims 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

For at least the reason that independent claim 6 is allowable over the cited references of record, dependent claim 9 (which depends from independent claim 6) is allowable as a matter of law for at least the reason that dependent claim 9 contains all the features of independent claim 6. Therefore, the rejection of claim 9 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 9, *Cannon* does not make up for the deficiencies of *Donaghey* noted above. Therefore, claim 9 is considered patentable over any combination of these documents for at least the reason that claim 9 incorporates allowable features of claim 6 as set forth above.

C. Claim 14

The Office Action rejects claims 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

For at least the reason that independent claim 11 is allowable over the cited references of record, dependent claim 14 (which depends from independent claim 11) is

allowable as a matter of law for at least the reason that dependent claim 14 contains all the features of independent claim 11. Therefore, the rejection of claim 14 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 14, *Cannon* does not make up for the deficiencies of *Donaghey* noted above. Therefore, claim 14 is considered patentable over any combination of these documents for at least the reason that claim 14 incorporates allowable features of claim 11 as set forth above.

D. Claim 19

The Office Action rejects claims 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

For at least the reason that independent claim 16 is allowable over the cited references of record, dependent claim 19 (which depends from independent claim 16) is allowable as a matter of law for at least the reason that dependent claim 19 contains all the features of independent claim 16. Therefore, the rejection of claim 19 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 19, *Cannon* does not make up for the deficiencies of *Donaghey* noted above. Therefore, claim 19 is considered patentable over any combination of these documents for at least the reason that claim 19 incorporates allowable features of claim 16 as set forth above.

**V. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 50-0835.

Respectfully submitted,

/BAB/

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